

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CEDRIC GREENE,

Plaintiff,

vs.

GREYHOUND LINES, INC.,

Defendant.

Case No. 2:15-cv-00174-RFB-GWF

FINDINGS AND
RECOMMENDATION

This matter is before the Court on Plaintiff's Amended Complaint (#9), filed on June 26, 2015.

The Court granted Plaintiff's Motion to Proceed *in forma pauperis* (#1) on March 27, 2015. The Court also dismissed Plaintiff's Complaint with leave to amend, and instructed Plaintiff to provide the Court with "a more definitive statement of why this venue is appropriate, and why this matter should not be transferred back to California." Order (#2), p. 4. In his Amended Complaint, the Plaintiff states:

If the Court wish for a statement on the record as to the basis for such a case before Nevada's District, we will move on the order of the Court and provide a legal reason. On the other hand, Greene has been instructed to refrain from this subject for various reasons and therefore, the Amended Complaint will not have any explanation concerning the reasons that this case is being presented to the District of Nevada within Las Vegas.

Amended Complaint (#9), pgs. 1-2

Pursuant to Fed. R. Civ. P. 41(b), the Court may dismiss an action with prejudice if the plaintiff fails to prosecute or comply with the rules or a court order. Plaintiff was instructed to provide a more definitive statement for the basis for filing in the District of Nevada, and specifically elected not to do so. Furthermore, Plaintiff has filed multiple cases in this District

which have been dismissed or recommended to be dismissed for want of venue.¹ In his original complaint, Plaintiff explained that he had been declared a vexatious litigant and was not welcome to file in California. There is no indication that venue is proper in the District of Nevada: Plaintiff lives in Los Angeles, California and the events occurred in Oakland, California. Plaintiff has only chosen to file in the District of Nevada to attempt to evade his vexatious litigant status. To allow him to do so would not be in the interests of justice. Accordingly,

IT IS HEREBY RECOMMENDED that Plaintiff's Amended Complaint (#9) be **dismissed with prejudice.**

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within 14 days of service of this document. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 5th day of October, 2015.


 GEORGE FOLEY, JR.
 United States Magistrate Judge

¹See *Greene v. Greyhound*, 2:15-cv-00115-GMN-PAL (#10); *Greene v. Sprint Nextel Corporation*, 2:15-cv-00238-RFB-NJK (#5); *Greene v. The People of the State of California*, 2:15-cv-00300-JAD-PAL (#9); *Greene v. Alhambra Hospital Medical Center*, 2:15-cv-00451-JAD-NJK (#9); *Greene v. Logisticare Solutions, LLC*, 2:15-cv-00523-RFB-NJK (#17); *Greene v. Los Angeles Police Department*, Case No. 2:15-cv-00815-APG-PAL (#7).